

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

SATISH SHAH, et al.,	)	
	)	
Plaintiffs	)	
	)	
vs.	)	CAUSE NO. 3:06-CV-712 RM
	)	
KIK INTERNATIONAL LLC,	)	
	)	
Defendant	)	

OPINION AND ORDER

The plaintiffs have moved to alter or amend the September 18 order denying the motion to stay AAA arbitration based on their assertion that the court “may have inadvertently overlooked the counterclaims that were pending and the motions related to those counterclaims.” The court is aware that issues relating to the counterclaims may remain at the conclusion of the arbitration proceedings. Denial of all pending motions without prejudice and placement of this case on the inactive docket pending the outcome of the Ernest & Young and AAA proceedings doesn’t reflect a decision on the merits, but merely affords the parties and the arbitrators an opportunity to resolve the questions before those panels. As stated in the September 18 order, once all arbitration proceedings are concluded, this case may be restored to the trial docket upon motion of any party for the court’s consideration of any issues – relating to the complaint, the counterclaim, or any motion(s) a party seeks to refile or reinstate – that remain.

Accordingly, the plaintiffs' motion to alter or amend [docket # 78] is  
DENIED.

SO ORDERED.

ENTERED: September 24, 2007

/s/ Robert L. Miller, Jr.  
Chief Judge  
United States District Court